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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,556	06/23/2003	Timothy S. Milliron	021751-001610US	1250

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EXAMINER

CHOW, JEFFREY J

ART UNIT	PAPER NUMBER
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2628

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06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/602,556	Applicant(s) MILLIRON, TIMOTHY S.	
	Examiner Jeffrey J. Chow	Art Unit 2628	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 April 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 21-40.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.


 Ulka Chauhan
 Supervisory Patent Examiner

Continuation of 3. NOTE: The added limitation, "generating the deformed model independent of receiving the set of feature specifications" changes the scope of the claim and requires further search and consideration.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues Ahlquist, Jr. et al. (US 6,459,439) does not teach receiving a set of transformation for mapping the source feature to the target feature in each feature specification (pages 11 and 12). Ahlquist teaches a starting point (Figures 2A, 2C, 2E, and 2G: 21a) and an ending point (Figures 2A, 2C, 2E, and 2G: 21b) for the pull tool and a starting point (Figure 4A: the original location of the circular tool) and an ending point (Figures 4B, 4D, 4F, 4H, and 4J: the location of the circular tool different from the original location) for the area tool. Ahlquist teaches different types of transformations, such as the pull tool and the area tool, or even different transformation shapes, such as curve (Figures 2A and 4B), rectangular (Figures 2G and 4J), and circular (Figure 4H). Ahlquist teaches moving principal points by an amount to a location that is different from an original location where in the principal points are points on the path (claim 1). In general, it seems the principal points are moved in response to the moving of a tool from one location to another. The tools or the shapes of the tool define a set of transformation that transforms the points on the path. The original location and a location different from the original location, as clearly shown in the figures, show how the points on the path are transformed.

Applicant argues Ahlquist does not teach receiving a set of strength fields corresponding to the set of feature specifications and receiving a set of weighting fields corresponding to the set of feature specifications (pages 12 and 13). Ahlquist teach different fields for the pull tool (Figures 2B, 2D, 2F, and 2H) and different fields for the area tool (Figures 4C, 4E, 4G, 4I, and 4K). Since these fields determines how the model is deformed through various transformations and the movement from an original location to a location different from the original location determines where the transformation is mapping from and to, the original location and the location different from the original location corresponds to the fields for the tools via the various transformations.

Applicant argues that the Examiner has not shown or provided evidence where Ahlquist discloses the set of transformations, asset of strength fields, and a set of weighting fields are determined from a parameter set (page 14). The previous office action (20070329) states, "Ahlquist discloses pressure parameter range from 0 and up (column 6, lines 25 - 35) and a strength field ranging from 0% - 100% (column 8, lines 16 - 25), which reads on the claimed parameter set" (page 8, lines 18 - 20).

Applicant's arguments regarding the 35 U.S.C. 101 rejections are persuasive. .